

## § 3000.735-501

is not prohibited by law or regulation, including 5 CFR part 2635 or 5 CFR part 5601.

(c) An employee who has been assigned to a particular matter which affects the financial interests of a prospective employer and who is required, in accordance with 5 CFR 2635.604(a), to disqualify himself from participation in that matter shall, notwithstanding the guidance in 5 CFR 2635.604 (b) and (c), provide notice of disqualification to his supervisor upon determining that he will not participate in the matter.

### Subpart B—Ex Parte Communications

#### § 3000.735-501 Ex parte communications prohibited.

Decision-making Commission personnel, as defined in § 3001.7(a), shall not, either in an official or unofficial capacity, participate in any ex parte communication—either oral or written—with any person regarding (1) a particular matter (substantive or procedural) at issue in contested proceedings before the Commission or (2) the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission. A particular matter is at issue in contested proceedings before the Commission when it is a subject of controversy in a hearing held under 39 U.S.C. 3624 or 3661(c). However, this section does not prohibit participation in off-the-record proceedings conducted under regulations adopted by the Commission for hearings held under 39 U.S.C. 3624 or 3661(c).

[45 FR 65581, Oct. 3, 1980]

#### § 3000.735-502 Public record of ex parte communications.

As ex parte communications (either oral or written) may occur inadvertently notwithstanding § 3000.735-501, the employee who receives such a communication, shall—within 2 workdays after the receipt of such a communication—prepare a written report concerning the communication. The report shall identify the employee and the person or persons who participated in the ex parte communication; the cir-

## 39 CFR Ch. III (7-1-12 Edition)

cumstances which resulted in the communication; the substance of the communication; and the relationship of the communication to a particular matter at issue or likely to become at issue in contested proceedings before the Commission. When the ex parte communication concerns a particular matter at issue in a proceeding before the Commission, a copy of the report shall be submitted to each party to the proceeding. The report is a public record of the Commission and a copy thereof shall be available to any member of the public on request. This section does not apply to ex parte communications under paragraph 3000.735-501(b).

[36 FR 5412, Mar. 23, 1971, as amended at 38 FR 24899, Sept. 11, 1973]

#### APPENDIX A TO PART 3000—CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including office-holders:

##### CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

## Postal Regulatory Commission

## §3001.3

- 9. Expose corruption wherever discovered.
- 10. Uphold these principles, ever conscious that public office is a public trust.  
Passed July 11, 1958.

### PART 3001—RULES OF PRACTICE AND PROCEDURE

#### Subpart A—Rules of General Applicability

- Sec.
- 3001.1 Construction of rules.
  - 3001.2 [Reserved]
  - 3001.3 Scope of rules.
  - 3001.4 Method of citing rules.
  - 3001.5 Definitions.
  - 3001.6 Appearances.
  - 3001.7 Ex parte communications.
  - 3001.8 No participation by investigative or prosecuting officers.
  - 3001.9 Filing of documents.
  - 3001.10 Form and number of copies of documents.
  - 3001.11 General contents of documents.
  - 3001.12 Service of documents.
  - 3001.13 Docket and hearing calendar.
  - 3001.14 Consolidation and separation of proceedings.
  - 3001.15 Computation of time.
  - 3001.16 Continuances and extensions of time.
  - 3001.17 Notice of proceeding.
  - 3001.18 Nature of proceedings.
  - 3001.19 Notice of prehearing conference or hearing.
  - 3001.20 Formal intervention.
  - 3001.20a Limited participation by persons not parties.
  - 3001.20b Informal expression of views by persons not parties or limited participants (commenters).
  - 3001.21 Motions.
  - 3001.22 Requests for waiver.
  - 3001.23 Presiding officers.
  - 3001.24 Prehearing conferences.
  - 3001.25 Discovery—general policy.
  - 3001.26 Interrogatories for purpose of discovery.
  - 3001.27 Requests for production of documents or things for purpose of discovery.
  - 3001.28 Requests for admissions for purpose of discovery.
  - 3001.29 Settlement conferences.
  - 3001.30 Hearings.
  - 3001.31 Evidence.
  - 3001.31a In camera orders.
  - 3001.32 Appeals from rulings of the presiding officer.
  - 3001.33 Depositions.
  - 3001.34 Briefs.
  - 3001.35 Proposed findings and conclusions.
  - 3001.36 Oral argument before the presiding or other designated officer.
  - 3001.37 Oral argument before the Commission.
  - 3001.38 Omission of intermediate decisions.

- 3001.39 Intermediate decisions.
- 3001.40 Exceptions to intermediate decisions.
- 3001.41 Rulemaking proceedings.
- 3001.42 [Reserved]
- 3001.43 Public attendance at Commission meetings.

#### Subparts B–C [Reserved]

#### Subpart D—Rules Applicable to Requests for Changes in the Nature of Postal Services

- 3001.71 Applicability.
- 3001.72 Filing of formal requests.
- 3001.73 Filing of prepared direct testimony.
- 3001.74 Contents of formal requests.
- 3001.75 Service by the Postal Service.

#### Subparts E–L [Reserved]

AUTHORITY: 39 U.S.C. 404(d); 503; 504; 3661.

SOURCE: 36 FR 396, Jan. 12, 1971, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes for Part 3001 appear at 70 FR 48277, Aug. 17, 2005, and 72 FR 33165, June 15, 2007.

### Subpart A—Rules of General Applicability

#### § 3001.1 Construction of rules.

The rules in this part shall be liberally construed to secure just and speedy determination of issues.

[38 FR 4327, Feb. 13, 1973]

#### § 3001.2 [Reserved]

#### §3001.3 Scope of rules.

The rules of practice in this part are applicable to proceedings before the Postal Regulatory Commission under the Act, including those which involve a hearing on the record before the Commission or its designated presiding officer and, as specified in part 3005 of this chapter to the procedures for compelling the production of information by the Postal Service. They do not preclude the informal disposition of any matters coming before the Commission not required by statute to be determined upon notice and hearing.

[75 FR 22197, Apr. 27, 2010]